

ESTTA Tracking number: **ESTTA450666**

Filing date: **01/11/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	DeSherlia Marina Management, Inc.
Granted to Date of previous extension	01/11/2012
Address	215 West Water Street, P.O. Box 429 Grafton, IL 62037 UNITED STATES

Attorney information	J. Philip Polster Polster, Lieder, Woodruff & Lucchesi, L.C. 12412 Powerscourt Drive Suite 200 St. Louis, MO 63131 UNITED STATES trademarks@patpro.com, mlucchesi@patpro.com, jpolster@patpro.com Phone: 314-238-2400
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### Applicant Information

Application No	76698502	Publication date	09/13/2011
Opposition Filing Date	01/11/2012	Opposition Period Ends	01/11/2012
Applicant	Kosor, Jon Jeffrey 15526 Talon Ridge Cove Huntertown, 46748 UNITED STATES		

### Goods/Services Affected by Opposition


Class 033. All goods and services in the class are opposed, namely: Alcoholic Beverages, namely, Liquors, Distilled Spirits, and Wines
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### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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### Mark Cited by Opposer as Basis for Opposition

U.S. Application No.	85324175	Application Date	05/18/2011
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	LIQUID PANTY REMOVER		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 033. First use: First Use: 2009/07/03 First Use In Commerce: 2009/07/03 Wine

Attachments	85324175#TMSN.jpeg ( 1 page )( bytes ) DESH_LIQUUS_Notice_of_opposition.pdf ( 4 pages )(29039 bytes )
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### **Certificate of Service**

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/jphilippolster/
Name	J. Philip Polster
Date	01/11/2012

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

**Trademark: PANTY REMOVER**  
**Serial No.: 76698502**  
**Publication Date: September 13, 2011**

<b>DeSherlia Marina Management, Inc.</b>	)	
	)	
<b>Opposer,</b>	)	<b>Notice of Opposition</b>
	)	
	)	<b>Opposition No.</b> _____
<b>v.</b>	)	
	)	
<b>Jon Jeffrey Kosor</b>	)	
	)	
<b>Applicant.</b>	)	

Commissioner of Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451  
Attn: Trademark Trial & Appeal Board

**NOTICE OF OPPOSITION**

Opposer, DeSherlia Marina Management, Inc. (“Opposer”) an Illinois corporation having its principal place of business at 215 West Water Street, P.O. Box 429, Grafton, Illinois 62037, believes that it will be damaged by registration of the proposed mark PANTY REMOVER shown in Application Serial No. 76698502, filed by Jon Jeffrey Kosor (“Applicant”), and hereby opposes registration of the proposed mark pursuant to a previously filed extension of time to oppose.

As grounds for this Opposition, it is alleged that:

1. On July 17, 2009, Applicant filed an application for registration of PANTY REMOVER as a federal trademark with the U.S. Patent and Trademark Office, for “Alcoholic

Beverages, namely, Liquors, Distilled Spirits, and Wines,” based on Applicant’s intent to use the mark. That application has been assigned Serial No. 76698502.

2. Applicant’s proposed mark was published for opposition on September 13, 2011. Opposer filed, and the Board approved, extensions of time to oppose Applicant’s mark until January 11, 2012. This Notice of Opposition is timely filed.

3. Since before July 17, 2009, Opposer has been using the mark LIQUID PANTY REMOVER in connection with wine.

4. Opposer applied for federal registration of the mark LIQUID PANTY REMOVER for “Wine” on May 18, 2011, that application being identified as Serial No. 85324175. The application alleges a date of first use of the mark and a date of first use in commerce at least as early as July 3, 2009.

5. On September 6, 2011, an Office Action issued provisionally refusing Opposer’s application on the basis of Applicant’s earlier-filed application under Section 2(d) of the Trademark Act, “because of a likelihood of confusion between the two marks.”

6. Opposer has established common law trademark rights in its distinctive trademark “LIQUID PANTY REMOVER” through Opposer’s long and uninterrupted use of the trademark in connection with the marketing, manufacturing and/or sale of Opposer’s products, namely wine.

7. Opposer has in the past expended, and continues to expend, a substantial amount of time, effort, money, and other resources to develop and maintain the goodwill that has come to be associated with Opposer’s products sold under the LIQUID PANTY REMOVER mark.

8. If Applicant’s application becomes a registration, Opposer will not be able to register its LIQUID PANTY REMOVER mark.

9. Applicant's proposed mark PANTY REMOVER for Applicant's goods is confusingly similar to Opposer's previously used LIQUID PANTY REMOVER mark for its goods.

10. The registration by Applicant of the proposed mark PANTY REMOVER for Applicant's goods will give Applicant a presumption of ownership of the mark for those goods, thereby resulting in damage to Opposer.

**WHEREFORE**, Opposer believes that it will be damaged by the registration of Applicant's mark, and prays that this opposition be sustained and that registration to Applicant be refused.

Respectfully Submitted,

Date: January 11, 2012

/jphilippolster/  
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ATTORNEYS FOR OPPOSER

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the NOTICE OF OPPOSITION is being served via first class U.S. Mail, postage prepaid, this 11th day of January, 2012, upon the following:

GEORGE PAPPAS  
PAPPAS LAW OFFICES  
919 South Harrison Street  
Harrison Place, Suite 300  
Fort Wayne, IN 46802

/jphilippolster/

J. Philip Polster